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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,178	09/19/2000	David Gilbert	462-99-012	1901

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HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
2681	6

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/665,178	GILBERT, DAVID
	<b>Examiner</b>	<b>Art Unit</b>
	Huy D Nguyen	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-34 and 37-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-34 and 37-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 07/14/2003 have been fully considered but they are not persuasive.

Regarding claims 1, 12-13, 18-19, 26-29, 34-38, 41, the applicant stated that there is no mention or suggestion of controlling RF emissions based on a predetermined level as claimed. The examiner states that in column 4, lines 45-50, Corbefin et al. teach that any passenger SP on the aircraft A can use a personal radio communication means without any danger of interference with electronic systems on board the aircraft A, since the operating power of radio communication means R is lowered in such a way as not to allow such interference. In order for the operating power of radio communication means R to be lowered, it is inherently that there is something to control the power level of radio communication means R. "The power level is lowered in such a way as not to allow such interference": this implicitly teaches that an RF emission level above which interference will occur has to be determined in order for means of authority 5 to control the RF emissions level of means R.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 12-15, 18-23, 26-31, 34, 37-38, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Corbefin et al. (U.S. Patent No. 6,269,243).

Regarding claims 1, 12-13, 18-19, 26-29, 34, 37-38, 41, Corbefin et al. disclose the device 1 intended to allow the passengers P of an aircraft A to use a personal radio communication means R, for example a mobile telephone or a portable computer terminal, to communicate with an opposite party located for example on the ground (FIG. 1; Col. 3, lines 40-45). Device 1 comprises: an antenna 2 able to transmit and pick up, outside the aircraft A, electromagnetic waves OE respectively picked up and transmitted by system of satellites S and/or of installations I, forming part of outside network RC; an antenna 3 able to transmit and pick up, inside the aircraft A, electromagnetic waves oe respectively picked up and transmitted by radio communication means R; and a transponder 4 which makes it possible to establish communications between the telephone network RC and a radio-frequency network created inside the aircraft A, to which the radio communication means R of the passengers P of the aircraft A can be connected. Stated otherwise, the transponder 4 is linked to the collection of these radio communication means R present on board the aircraft (FIG. 1; Col. 4, lines 1-10). Transponder 4 comprises: a satellite-grade system ER1 for transmitting and receiving electromagnetic waves OE, which is coupled to antenna 2; a cellular-grade system ER2 for transmitting and receiving electromagnetic waves oe, which is coupled to antenna 3; a central unit UC which sends, if relevant after matching, signals received by one of transmission and reception systems ER1 or ER2 to the other system ER2 or ER1; and means of authority 5 for compelling radio communication means R to operate at very reduced power and for controlling

the operation thereof. For this purpose, means of authority 5 which are built into the central unit UC act, by way of the system ER2 and the antenna 3, on a power auto-matching system built in the standard manner into radio communication means R (Col. 4, lines 20-35). Thus, any passenger SP on the aircraft A can use a personal radio communication means without any danger of interference with electronic systems on board the aircraft A, since the operating power of radio communication means R is lowered in such a way as not to allow such interference (Col. 4, lines 45-50).

Regarding claims 2-3, 5, 14-15, 20-21, 23, 31, Corbefin et al. disclose satellite-grade system ER1 for transmitting and receiving electromagnetic waves OE from/to radio communication means R to/from system of satellites S (Col. 4, lines 19-20); a cellular-grade system ER2 for transmitting and receiving electromagnetic waves oe, which is coupled to antenna 3 (Col. 4, lines 22-23).

Regarding claims 4, 22, and 30, to avoid any risk of electromagnetic interference with electronic systems on board the aircraft A (col. 3, line 57), it is inherent that the level of RF emission created by radio communication means R and transponder 4 has to be below a predetermined level above which RF emission will cause interference.

Regarding claims 6-7, Corbefin et al. disclose antenna 3 that is able to transmit and pick up, inside the aircraft A, electromagnetic waves oe to/from radio communication means R (FIG. 1; col. 3, lines 66-67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 16-17, 24-25, 32-33, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corbefin et al. in view of Coash (U.S. Patent No. 4,737,771).

Regarding claims 8, 16, 24, 32, and 39, Corbefin et al. fail to teach a device for alerting crew members when unwanted RF emissions are detected. Coash discloses a security system including a means for providing an indication that electromagnetic interference is occurring (Col. 1, lines 66-68). It would have been obvious to one of ordinary skill in the art at time the invention was made to include a security system as disclosed in Coash since it keeps other electronic devices on board the aircraft from malfunctioning and provides safer flights.

Regarding claims 9-11, 17, 25, 33, and 40, Corbefin et al. fail to teach transmitting and receiving cellular signals to and from wireless phone when the aircraft is on the ground. However, directly transmitting and receiving cellular signals to and from wireless phone on the ground is nothing other than normal cellular communications. Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to use normal cellular communications when the aircraft is on the ground to reduce cost and resource.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6750.

hr

  
SINH TRAN  
PRIMARY EXAMINER

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